



DOCKET NO.: SPO-121

November 7, 2005

APPLICANTS: Hisae Kume et al.

SERIAL NO.: 10/535,585

DATE FILED: May 18, 2005

ART UNIT : 1645

CONF. NO. : 7558

SUBMISSION TO PTO:

1. Information Disclosure Statement Under 37 CFR 1.97/1.98
2. Form PTO/SB/08
3. Copy of International Search Report
4. Copies of non-patent references



JC10 Rec'd PCT/PTO 10 NOV 2005

/1a



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November 7, 2005

David Saliwanchik
David R. Saliwanchik, Patent Attorney

INFORMATION DISCLOSURE
STATEMENT
Patent Application
Docket No. SPO-121
Serial No. 10/535,585

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Hisae Kume, Makoto Yamaguchi, Kenji Mizumoto, Hajime Sasaki
Serial No. : 10/535,585
Art Unit : 1645
Conf. No. : 7558
Filed : May 18, 2005
For : Nutritional Compositions

Mail Stop Amendments
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §§§1.56, 1.97 AND 1.98

Sir:

The above-identified patent application was filed in the U.S. Patent Office as a national phase application under 35 USC §371. A copy of the International Search Report and copies of the references cited therein have been made available in the national phase file; however, for the Examiner's convenience, the applicants are attaching herewith copies of the non-patent references listed on Form PTO/SB/08, as well as a copy of the International Search Report. A form PTO/SB/08 listing the references is also attached. In accordance with 37 CFR §1.56, the applicants hereby request that the references listed on the attached form PTO/SB/08 be made of record and considered in the examination of the subject application.



COPY

Docket No. SPO-121
Serial No. 10/535,585

Please note that Kume H. *et al.* JP 2002-226394 A, dated August 14, 2002 is not available in English. However, the International Search Report contains a concise explanation of the relevance of this citation to the subject application.

The Applicants respectfully assert that the substantive provisions of 37 CFR §§1.97 and 1.98 are met by the foregoing statement.

Respectfully submitted,

David R. Saliwanchik
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Gainesville, Florida 32614-2950

DRS/la

Attachments: Form PTO/SB/08
Copies of non-patent references cited on Form PTO/SB/08
Copy of International Search Report



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PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Complete if Known

Application Number	10/535,585
Filing Date	May 18, 2005
First Named Inventor	Hisae Kume
Art Unit	1645
Examiner Name	Not yet assigned

Sheet

1

of

2

Attorney Docket Number

SPO-121

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number Number - Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	U1	US- 5,993,221 A	11-30-1999	Bistrian	All
	U2	US- 5,714,472 A	02-03-1998	Gray et al.	All
	U3	US- 5,198,250 A	03-30-1993	Brillhart, et al.	All
	U4	US-			
	U5	US-			
	U6	US-			
	U7	US-			
	U8	US-			
	U9	US-			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
	F1	JP 2002-226394	A	Kume H. et al.	Abstract	
	F2					
	F3					
	F4					
	F5					
	F6					
	F7					

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard T.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
Sheet	2	of	2	Application Number	10/535,585
				Filing Date	May 18, 2005
				First Named Inventor	Hisae Kume
				Group Art Unit	1645
				Examiner Name	Not yet assigned
				Attorney Docket Number	SPO-121

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article, (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		T ²
	R1	GRIMM, H. et al. "Regulatory Potential of N-3 Fatty Acids in Immunological and Inflammatory Processes" <i>British Journal of Nutrition</i> , 2002, pp. S59-S67, Vol. 87, Suppl. 1.		
	R2	KHALFOUN, B. et al. "Docosahexaenoic and Eicosapentaenoic Acids Inhibit In Vitro Human Endothelial Cell Production of Interleukin-6" <i>Adv. Exp. Med. Biol.</i> , 1997, pp.589-597, Vol. 400B.		
	R3	MAYER, K. et al. "Parenteral Nutrition with N-3 Lipids in Sepsis" <i>British Journal of Nutrition</i> , 2002, pp. S69-S75, Vol. 87, Suppl. 1.		
	R4	WPI Accession No. AN 2003-032691, 2003.		
	R5			
	R6			
	R7			
	R8			
	R9			
	R10			
	R11			
	R12			
	R13			

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including the gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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